

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 15272US02

PATENT

In the Application of:)
Gaikwad, et al.) **Electronically Filed On January 28, 2010**
Serial No.: 10/817,094)
Filed: April 2, 2004)
For: RSSI SLOPE CALIBRATION)
TECHNIQUE)
Examiner: Lu, Zhiyu)
Group Art Unit: 2618)
Confirmation No.: 2127)
)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated on the attached sheets.

Respectfully submitted,

Date: January 28, 2010

By: /Joseph M. Butscher/
Joseph M. Butscher
Reg. No. 48,326
Attorney for Applicants

REMARKS

The present application includes pending claims 1-7 and 9-23, all of which have been rejected. As explained below, however, the Office Action fails to establish a *prima facie* case of unpatentability with respect to the pending claims for a variety of reasons.

The Office Action fails to establish a *prima facie* case of unpatentability with respect to claims 1-5, 10, 12, 14-19, 22, and 23. *See* June 29, 2009 Amendment at pages 9-12. The Office Action asserts that Su discloses all the limitations of claim 1 except for “wherein the adjusting comprises modifying at least one threshold related to processing of receive signal strength indicator data used in the operation of the radio frequency communication system.” *See* November 13, 2009 Office Action at page 4. For example, the Office Action specifically contends that Su discloses “adjusting the operation of the receiver portion based upon the first signal power measurement and the second signal power measurement.” *See id.* As the Applicants explain in detail, however, Su also does not describe, teach or suggest this limitation. *See* June 29, 2009 Amendment at pages 9-10.

That is, contrary to the assertion in the Office Action, Su does not describe, teach or suggest adjusting operation of a **receiver** based on **multiple power measurements**. The Office Action has failed to explain how Su describes, teaches or suggests “adjusting the operation of the receiver portion based upon the first signal power measurement and the second signal power measurement,” as recited in claim 1. The Applicants respectfully note that the Office Action cites only Su in rejecting this feature of claim 1, and does not assert that Adams discloses this particular aspect. Thus, for at least these reasons, the Applicants respectfully request reconsideration of the rejection of claim 1 and the claims that depend therefrom.

Next, claims 15 and 23 recite, in part, “the radio frequency communication system adjusting at least one characteristic of the receive signal strength indicator based on two signal power measurements using the switching circuitry and the transmitter circuitry.” The Office Action asserts that Su discloses “the radio frequency communication system adjusting at least one characteristic of the receive signal power based on two signal power measurements using the switching circuitry and the transmitter circuitry.” *See* November 13, 2009 Office Action at pages 5-6.

As the Applicants explain in detail, however, Su does not describe, teach or suggest adjusting receive signal power based on multiple signal power measurements. *See* June 29, 2009 Amendment at pages 9-11. The Applicants respectfully note that the Office Action does not assert that other cited art discloses this aspect of claims 15 and 23. Thus, for at least these reasons, the Applicants respectfully submit that the Office Action fails to establish a *prima facie* case of unpatentability with respect to claims 15, 23 and any claims that depend therefrom.

Additionally, claim 1 recites, in part, “wherein the adjusting comprises modifying at least one **threshold** related to processing of receive signal strength indicator data used in the operation of the radio frequency communication system.” The Office Action acknowledges that Su does not describe, teach or suggest this limitation. *See* November 13, 2009 Office Action at page 4. In an attempt to overcome this deficiency, the Office Action relies on Adams. *See id.*

Yet, the Applicants demonstrate that Adams does not overcome this acknowledged deficiency of Su. *See* June 29, 2009 Amendment at pages 11-12. Adams discloses comparing information with respect to setpoints, but not modifying a threshold related to processing of receive signal strength indicator data used in the operation of the radio frequency communication system. *See id.* For example, Adams discloses the following:

In a state 609 called the Calc state, the AGC controller 523 compares the respective received signal strength measurement to its respective setpoint. Based on the comparison, the AGC controller 523 calculates improved radio gain control bits to send to the transceiver 400 so as to reduce the setpoint errors.

See Adams at column 10, lines 49-54. A “setpoint” is not the same as a “threshold,” however.

A “setpoint” is “a specified constant value of a controlled variable of a dynamical process which a controller is required to maintain.” A system strives to maintain a “setpoint.” On the other hand, a “threshold” is a “limiting value of some variable of interest.” See Comprehensive Dictionary of Electrical Engineering – Second Edition, © 2005, CRC Press, pages 621 and 690.

Thus, while Adams discloses comparing a signal strength measurement to its respective setpoint, Adams does not describe, teach or suggest “wherein the adjusting comprises modifying at least one **threshold** related to processing of receive signal strength indicator data used in the operation of the radio frequency communication system,” as recited in claim 1, for example. Claim 22 recites a similar limitation. The Office Action acknowledges that Su does not describe, teach or suggest this limitation. Further, as explained above, Adams, which the Office Action relies on, also does not describe, teach or suggest the limitation. Thus, for at least this additional reason, the Applicants respectfully request submit that the Office Action fails to establish a *prima facie* case of unpatentability with respect to claims 1, 22 and any claims depending therefrom.

Additionally, the Office Action rejects claims 5 and 19 by merely stating the following:

Su and Adams et al teach the limitations of claims 1 and 15. Adams et al teach wherein the at least one characteristic comprises at least one of a slope and a fixed offset of the receive signal strength indicator (column 13 lines 53-67, setpoint error).

See November 13, 2009 Office Action at page 7. As explained above, however, neither Su nor Adams describes, teaches or suggests all the limitations of claims 1 and 15.

Further, Adams discloses adjusting gain to a **setpoint**, but **not** a **threshold**. Adams discloses adjusting the gain of the receive path, but the Office Action does not explain how that adjustment describes, teaches or suggests adjusting the slope and offset **of the RSSI**. Thus, for at least this additional reason, the Applicants respectfully request reconsideration of the rejection of claims 5 and 19.

Also, claim 6 recites, in part, “wherein the adjusting comprises modifying the value of a receive signal strength indicator using an affine function.” Claim 20 recites a similar limitation. The Office Action relies on Bednekoff as disclosing this limitation. See November 13, 2009 Office Action at page 8. In particular, the Office Action merely notes Bednekoff at column 7, lines 9-60. See *id.*

However, this cited portion of Bednekoff **does not even mention “affine function,”** as recited in claims 6 and 20. Indeed, the word “**affine**” is **nowhere to be found in Bednekoff**. In addition to the absence of an explicit recitation by Bednekoff, the Office Action has not provided an appropriate explanation of how the cited portion of Bednekoff allegedly teaches the claims “affine function.” Thus, the Office Action has not provided the required “explicit analysis” (per MPEP 2142) to explain how the cited portion of Bednekoff allegedly teaches the claimed feature. Accordingly, for at least this additional reason, the Applicants respectfully submit that the Office Action fails to establish a *prima facie* case of unpatentability with respect to claims 6 and 20.

For at least the reasons discussed above, all of the claim rejections are now rendered moot. The Applicants note that the present application has been pending more than **five years**

and has undergone extensive prosecution. Therefore, the present application should now be allowed with dispatch. *See* June 29, 2009 Amendment at pages 7-9.

The Commissioner is authorized to charge any necessary fees, including the \$30 fee for the Notice of Appeal (note, the Applicants previously paid \$510 for the Notice of Appeal on October 9, 2007), or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: January 28, 2010

MCANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8000
Facsimile: (312) 775-8100

Respectfully submitted,

/Joseph M. Butscher/
Joseph M. Butscher
Registration No. 48,326
Attorney for Applicants